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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,733	07/28/2003	Jun Iwasaki	240894US6	3800
22850 7590 08/19/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER HOMAYOUNMEHR, FARID				
ART UNIT		PAPER NUMBER		
2439				
NOTIFICATION DATE		DELIVERY MODE		
08/19/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/627,733	Applicant(s) IWASAKI, JUN
Examiner Farid Homayounmehr	Art Unit 2439

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3,5-7,9,11-13,15,16,18-20 and 22-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2439

Farid Homayounmehr
Examiner
Art Unit: 2439

With regards to rejection under section 112, applicant argues that it is not necessary that the words in claims are supported by the specification in the same words. As admitted by the applicant, the disclosure is sufficient when the one skilled in art knows what is intended and how to carry it out. However, passively receiving metadata can be interpreted in many ways. An example is the receiver makes no response to the transmitter upon receiving the data. Another example is to receive the data, no additional action is required by the receiver. Another example is, if the data is disrupted, don't make an alert or try to have the transmitter re-transmit. As mentioned before, the word passive can have many different meanings, none of which is explicitly defined by the specification. Applicant may want to associate the word with one of the disclosed examples in the specification. However, without such association, the word passive includes many different variations, not all of which are disclosed in the specification. The metes and bounds of the claim must be clearly defined. The specification fails to describe the claim in full, clear, concise and exact terms as required by section 112, first paragraph (37 CFR 1.71). Therefore, applicant's argument is non-persuasive.

With regards to rejection under section 103(a), applicant argues that Timmer does not teach different types of received data received through relative secure transmission path versus other received data, much less "setting a higher security level for data received through a relatively secure communication path and a lower security level for other received data". However, examiner's rejection is not limited to paragraph [0010] of Timmer. First, as indicated in rejection of claim 1, it is the combination of Timmer and Shurts that teaches the limitations of claim 1. Timmer is clearly directed to a plurality of transmission systems used to receive data. Second, Shurts teaches setting higher security levels to more sensitive data and lower security level to less sensitive data. Therefore, in the system of Timmer in view of Shurts, which receives and transmits data, and assigns high security level to more sensitive data. It is only logical to assign a higher level of security to the data received in a secured communication path. It would be obvious and logical to the one skilled in art that the data received in a secured channel is more sensitive than data received in a regular channel. Based on teaching of Shurts, that more sensitive data gets higher security, the data received in a secured channel will be assigned higher security. Therefore, the mentioned features are made obvious by the combination.

Applicant further argues that modifying Shurts would make it unfit for its intended purpose because it takes the task of changing security settings out of the hands of the SSO. However, the SSO needs to evaluate the changes in security levels. If the security levels are set for each path, there is no need to change. Additionally, even if the change is needed, security evaluation by the SSO would not be against the intended purpose of the invention. The SSO could verify the change request and either approve or disapprove. This will create no conflict with the intended purpose of the invention whatsoever.

With regards to claim 13, applicant argues how comparing the security level of a received request to security level of the stored meta data is not the same as comparing metadata acquired from each mobile device. However, as required by claim 1, the metadata is stored and supplied based on a request. To supply the data requested, it must be compared to the stored data to find a match. The request must identify data that is requested, and that particular data must be submitted after the security verification is made. Therefore, the data must be matches, which requires a comparison.

With regards to claims 16 and 20, applicant argues that the features of displaying the matching activities and interests and corresponding users discovered by comparing is not taught by the Timmer paragraph [0031]. However, Timmer shows that the user receives updates and reviews about restaurants in his/her planned destinations. To send the reviews and updates, the system must compare the interests of users (locations in the planned trip) and send information related to the locations of interest. In other words, user would not be interested in receiving information about all activities in all locations in the world. The user must have specified locations of interest, and activities of interest, so the system can send information related to those interests. Therefore, a comparing and matching of those interests are performed, and the matches found are displayed.

Accordingly, all features of the claimed invention are made obvious by the combination of Timmer and Shurts, and applicant's argument is non-persuasive.